

## NEWS RELEASE

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### **Labor Commissioner Distributes \$329,000 in Back Pay to Bay Area Assisted Living Workers**

**Fremont**—Labor Commissioner Julie A. Su has obtained \$329,000 in back wages for 24 employees of the Common Destiny Care Home assisted living facility in Fremont. The business owners were fined more than \$358,700 on October 24 for multiple wage law violations.

The affected workers received payments for minimum wage underpayment and unpaid overtime ranging from approximately \$200 to over \$160,000, depending on their length of employment and the hours they worked.

“Our department and the Labor Commissioner’s Office are committed to enforcing labor laws so that workers are paid as mandated by law. The wages and liquidated damages we recover are returned directly to the affected workers,” said Christine Baker, Director of the Department of Industrial Relations (DIR). The Labor Commissioner’s Office, also known as the Division of Labor Standards Enforcement (DLSE), is a division within DIR.

Investigators determined that residential caregivers were required to work more than 8



*Pictured above L-R: Paz Aquino, Conchita Almodovar and Zenitha Balino are three of 24 residential care workers who received payments for underpayment of wages and overtime.*

hours a day – at times up to 17 hours a day – without being compensated the State mandated minimum wage or overtime pay. Employees received between \$60 to \$80 per day, averaging sometimes as little as \$5 an hour. More details on this case – as well as investigations into other assisted living businesses – can be found [here](#).

Conchita Almodovar, who received a sizeable payment for back wages, said she never expected this outcome. Her message to other workers who might be underpaid is clear: “Just in case you’re being treated unfairly, if you’re not getting paid

properly, don't be scared. Just come forward. There's the government, there's the Labor Commissioner's office – they can help you.”

The Labor Commissioner's investigation also found the Common Destiny workers were required to report for duty the night before their shifts began, and were not paid for the hours spent on site prior to the start of their duties. Employees were given a sofa bed in an unheated garage as sleeping quarters, and they were frequently required to work, unpaid, during designated sleeping hours when residents required care.

“When we effectively enforce the law, we put wages earned into workers' pockets,” said Labor Commissioner Su. “This is money that goes to food, clothing, housing, education, and right back into our economy. I am really pleased that these hardworking caregivers will end the year with a new beginning.”

Paz Aquino, formerly the house manager and supervisor at Common Destiny, was grateful for the assistance she received from DIR and the Labor Commissioner's office. “It's not only me who they helped; this is for the protection of the caregivers.”

Among its wide-ranging enforcement responsibilities, the Labor Commissioner's office inspects workplaces for wage and hour violations, adjudicates wage claims, enforces prevailing wage rates and apprenticeship standards in public works projects, investigates retaliation complaints, issues licenses and registrations for businesses and educates the public on labor laws.

The most recent information related to California labor laws is available is available on the [DIR website](#). Employees with work-related questions or complaints may call the California Workers' Information Hotline at (866) 924-9757 for recorded information in English and Spanish on a variety of work-related topics.

[Testimonials from three of the 24 workers who received back pay](#) are available for viewing. For media inquiries contact Erika Monterroza at (510) 286-1164 or Peter Melton at (510) 286-7046.



The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#). Non-media inquiries can contact DIR's Communications Call Center at 1-844-LABOR-DIR (1-844-522-6734) for help in locating the appropriate [division or program](#) in our department.